

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41830 of 2024

Arising Out of PS. Case No.-262 Year-2022 Thana- MUFFASIL District- West Champaran

Vivek Kumar S/O Bharat Sah R/O Vill- Purvi Kargahiya P.S.- Bettiah
Muffasil Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulden Mahto, aged about 64 years, son of late Budh Ram Mahto, r/o village Purvi Kargahiya, P.S. Bettiah Muffasil, Distt. West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh
For the Opposite Party/s : Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 19-07-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Bettiah Muffasil P.S. Case No. 262 of 2022 dated 07.04.2022, registered for the offences punishable under Sections 354A(1-ii) (D)/120B, 506/34 of the Indian Penal Code, Section 67 of the Information Technology Act and Section 8 of POCSO Act.

3. The prosecution story as emerges from the F.I.R. is that the petitioner along with other co-accused has taken objectionable photograph of the informant's daughter, Sudha Kumari, aged about 13 years and pressurized her to



establish physical relationship.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on account of previous enmity. One F.I.R. bearing Bettiah Muffail P.S. Case No. 453 of 2014 was lodged against the family members of the informant under Section 379 and allied Section of the Indian Penal Code in which the petitioner had deposed in the Court against them. He also submits that as per the allegation, maximum punishment is five years and he has remained in custody since 23.02.2024.

5. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

6. It has further been stated in paragraph no. 3 that the petitioner has got no criminal antecedent.

7. Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the previous enmity between the petitioner and the prosecution side and the period of custody of the Petitioner, the petitioner, above-named, is



directed to be released on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge POCSO-cum-A.D.J.-VI, West Champaran at Bettiah, in connection with Bettiah Muffasil P.S. Case No. 262 of 2022 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

S.Ali/ravishankar

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